

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

ANDREW L. COLBORN,

Plaintiff

NETFLIX, INC., et al.,

Defendants.

Case No. 19-CV-484

**PLAINTIFF'S CIVIL L.R. 7(h) EXPEDITED
MOTION FOR LEAVE TO FILE SUPPLEMENTAL SUR-REPLY BRIEF
AND SUPPLEMENTAL DECLARATION OF DEBRA L. BURSIK**

Plaintiff, by his undersigned counsel, respectfully requests permission to file and have the Court consider a sur-reply brief and supplemental declaration which are attached pursuant to Civil Local Rule 7(i), in response to statements contained in a Declaration of Moira Demos (Dkt #87 filed June 13, 2019) in support of the motion to dismiss filed by Defendants Moira Demos, Laura Ricciardi, and Chrome Media, LLC. In further support of this motion, Plaintiff states as follows:

1. With the reply brief filed on June 13, 2019, by Laura Ricciardi, Moira Demos, and Chrome Media, LLC,¹ the Defendants submitted a second Declaration of Moira Demos that made assertions about Chrome Media, LLC in an attempt to support Defendants' service-of-process arguments.
2. Plaintiff's counsel subsequently discovered that these statements are inconsistent with statements that are contained in documents that Ms. Demos signed and that were filed with the State of California Secretary of State. The documents are

¹ Defendant Netflix, Inc. has not challenged timely service of process prior to removal.

attached as an exhibit to the proposed supplemental Declaration of Debra L. Bursik submitted herewith.

3. After learning the California filings, Plaintiff's counsel reached out to counsel for the Defendants. However, Defendants have offered an explanation that, in Plaintiff's counsel's view, does not satisfactorily explain the conflicts. Plaintiff does not object to Defendants' providing their explanation to the Court in a response to this submission.
4. Plaintiff respectfully requests that the Court consider these documents 1) as support for Plaintiff's assertion that Chrome Media, LLC was validly served with process prior to removal 2) in assessing the Defendants' credibility as to factual matters and 3) as support for Plaintiff's request for discovery and a hearing prior to resolution of Defendants' motion.

For the reasons set forth above, Plaintiff respectfully requests that he be permitted to file the attached proposed Supplemental Sur-Reply Brief and supplemental Declaration of Debra L. Bursik. A proposed Order will be submitted by e-mail in accordance with local rules.

Dated this 24th day of June, 2019.

SCHOTT, BUBLITZ & ENGEL, S.C.

By: /s/ April Rockstead Barker
April Rockstead Barker
State Bar No. 1026163
Schott, Bublitz & Engel, S.C.
640 W. Moreland Blvd.
Waukesha, WI 53188-2433
(262)-827-1700

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C.
Attorneys for Plaintiff, Andrew L. Colborn

POST OFFICE ADDRESS:

231 S. Adams Street
Green Bay, WI 54301
P.O. Box 23200
Green Bay, WI 54305-3200
Phone: (920) 437-0476
Fax: (920) 437-2868
State Br No. 1005964

GRIESBACH LAW OFFICES, LLC
Attorney Michael C. Griesbach
State Bar No. 01012799
Griesbach Law Offices, LLC
PO Box 2047
Manitowoc, WI 54221-2047
(920) 320-1358